

1 November 2022

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Social Security (Accommodation Supplement) Amendment Bill

1. We have considered whether the Social Security (Accommodation Supplement) Amendment Bill (the Bill) is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 (the Bill of Rights Act).
2. We have not yet received a final version of the Bill. This advice has been prepared in relation to the latest version of the Bill (PCO 25060/1.12). We will provide you with further advice if the final version includes amendments that affect the conclusions in this advice.
3. The accommodation supplement is a weekly payment which helps people with their rent, board, or the cost of owning a home. Eligibility is assessed against a set of criteria, including but not limited to accommodation costs, age (must be 16 years or older), residency, income, and value of assets. Relationship status is also considered to determine individuals' entry thresholds and maximum benefit rates they are entitled to receive. This approach is taken since couples share the cost of accommodation while a single person is responsible for covering the entire amount.
4. The Bill clarifies eligibility for an accommodation supplement for a person living in the community whose spouse or partner is in long-term residential care. The amendment recognises the partner living in the community as 'single' for the purposes of administering the accommodation supplement. We understand this will lower the community partner's entry threshold and, therefore, make them eligible for an accommodation supplement equal to a single person, which is often to their benefit.
5. We considered whether the Bill limits s 19 (freedom from discrimination) of the Bill of Rights Act but we have concluded that it does not materially disadvantage anyone in a comparable situation. Rather it achieves equity for the community partner who is currently disadvantaged by their family status under the current regime.
6. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.



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